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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

UNITED STATES OF AMERICA,)	No. 10-CR-00350 PJH
)	
Plaintiff,)	STIPULATED REQUEST TO SET
)	SUPERVISED RELEASE HEARING
v.)	DATE ON THE DISTRICT COURT
)	CALENDAR ON MARCH 6, 2013 AND
)	ORDER
JUAN MANUEL RESENDIZ,)	
)	Hearing Date: February 19, 2013
Defendant.)	
)	<u>The Honorable Donna M. Ryu</u>
)	

The above-captioned matter is set on February 19, 2013 before the Magistrate Court for a status on a supervised release violation based on allegations in a Probation Form 12 Petition that Mr. Resendiz violated the terms of his supervision. The defense is requesting and the Government has no objection to the defense request to continue this supervised release matter to the District Court's March 6, 2013 calendar for a status hearing.

In September 2010, Mr. Resendiz was convicted in this district for escape after he walked away from the local halfway house at the end of serving his sentence out of the Southern District of California (case number 08-CR-2358 DMS). Mr. Resendiz was convicted in the Southern District of California in 2008 for an importation of marijuana case. The District Court in this district sentenced Mr. Resendiz to eight months custody for the escape. The Court in the

1 Southern District had sentenced him to 27 months custody and that was the sentence he was
2 serving when he walked away from the halfway house in this district.

3 In May 2011, Mr. Resendiz was released from custody on both cases and he was
4 supervised by the Probation Office in the Eastern District of California. It was his hope that both
5 of his cases would have been transferred to the Bay Area where he resides with his family. But
6 that did not happen before a Form 12 Petition was filed. In November 2012, the Probation
7 Office filed a Form 12 petition in this District and in the Southern District of California alleging
8 that Mr. Resendiz was not in compliance with his supervised release. Mr. Resendiz was arrested
9 on the petition in late January 2013. As a result, Mr. Resendiz has two pending Form 12
10 Petitions in two separate judicial districts. Importantly, both Form 12 Petitions allege the same
11 violation conduct.

12 The Probation Office is in the process of seeking to have the jurisdiction in the case
13 pending in the Southern District of California transferred to this district so that the parties can
14 resolve both Form 12 petitions in one proceeding. For this reason, the case was set on the
15 magistrate calendar for a possible initial appearance on the out-of-district case. It is defense
16 counsel's understanding that the Probation Office has filed a request to transfer the case to this
17 district and that its request is still under consideration by the Court in the Southern District.
18 Because of the delay, the defense believes that this matter should be placed on the District Court
19 calendar for a status hearing. If the out-of-district matter is transferred before the status hearing
20 date on March 6, 2013, the parties will request that the case be added to the magistrate calendar
21 for an initial appearance.

22 For these reasons, it is respectfully requested that the Court set this matter over to the
23 District Court's calendar on March 6, 2013. This short continuance will give the court in the
24 Southern District of California additional time to consider the Probation Office's request to
25 transfer jurisdiction to this district. Additionally, this continuance will give the Probation Office
26 and the parties sufficient time to negotiate any disposition that may be presented to the Court.

Because this case involves an allegation that Mr. Resendiz violated the terms of his supervision in a post-conviction proceeding, the parties agree that Speedy Trial Act does not apply.

DATED: February 15, 2013

/S/
WADE RHYNE
Assistant United States Attorney

DATED: February 15, 2013

/S/
ANGELA M. HANSEN
Assistant Federal Public Defender

ORDER

Based on the reasons provided in the stipulation of the parties above, the Court hereby
FINDS:

1. Given that a Probation Form 12 petition has been filed in this District and in the Southern District of California alleging that Mr. Resendiz violated the terms of his supervised release;

2. Given that the defense would like additional time to have the Form 12 Petition pending against Mr. Resendiz in the Southern District of California transferred here to this District for a joint resolution and that the Government has no objection to this request;

3. Given that this is a post-conviction proceeding and that the Speedy Trial Act does not apply;

Based on these findings, IT IS HEREBY ORDERED that the February 19, 2013 supervised release violation hearing date set before the Magistrate Court is vacated and reset to the District Court's calendar on March 6, 2013, at 1:30 p.m., for a status hearing.

DATED: 2/15/2013



DONNA M. RYU
United States Magistrate Judge